

Remarks

In the final office action mailed August 22, 2003, Applicants respectfully request continued examination and reconsideration. For further prosecution of this application, Applicants submit the following remarks. The claims as presented are believed to be in allowable condition.

In the present application, claims 1, 3, 5-16, and 20 have been amended. Independent claims 1, 12, and 16 have been amended to clarify that the claimed method, computer-readable medium, and system develop a new media-content offering from media-content that was previously unavailable to subscribers. Support for this amendment may be found in Figure 6 and on page 23, paragraph 72 through page 25, paragraph 78 of the Specification. No new matter has been added.

Substance of Interview Summary

An interview occurred between the undersigned, Murrell Blackburn and Examiner Jonathan Ouellette on Monday, October 20, 2003. The interview covered the final rejection of claims 1-17, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259, hereinafter 'Lawler') in view of ACTV (www.actv.com, Screen Print from internet archive wayback machine <www. archive.org>, Date Range: 5/10/2000-10/8/2000, hereinafter 'ACTV').

The Examiner indicated that amending the claims with information from the specification to further limit and incorporate into the independent claims would increase chances for allowance. The Examiner also suggesting filing a Request for Continued Examination (RCE), with newly amended claims, since the amendment would be after final. Applicants have

complied with the Examiner's suggestions, thus amending independent claims 1, 12, and 16 with information from the specification as indicated above and in the following remarks.

Therefore, this written response is being submitted for consideration by the Examiner on follow-up to the telephone interview as it is believed to have placed the application in condition for allowance.

Claim Rejections - 35 U.S.C. §103

Claims 1-17, 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler. The Lawler reference is directed to an automated selective programming guide. In particular, Lawler discloses a method for identifying for a viewer, selective programming on an interactive television (IT) system. In operation, the IT system identifies particular characteristics of programming including actor names and genres from television programs delivered to the selected viewer. Based on these programming characteristics, the viewer is presented with a programming guide of available programming that is automatically personalized based on the viewing history of the viewer. (See Abstract and Col. 2, lines 3-33 of Lawler).

In contrast, amended claims 1, 12, and 16 are respectively drawn to a method, computer-readable medium, and system for providing a tailored media content comprising, among other features, (1) identifying unfulfilled subscriber demand based on said subscriber attribute, and (2) in response to determining that an existing media-content offering does not meet subscriber demand, developing a new media-content offering from previously unavailable media-content based on said subscriber attribute. Lawler in view of ACTV teaches identifying preferred programming available, but neither Lawler nor ACTV alone, or in combination, teach or suggest identifying an unfulfilled subscriber demand and developing new media-content from

unavailable media-content in response determining that existing media-content does not meet the unfulfilled demand. (See Lawler Abstract and ACTV excerpt) Thus, Applicants respectfully submit that Lawler in view of ACTV fails to teach or suggest each and every feature of Applicants' amended claims 1, 12, and 16. Therefore, since Lawler in view of ACTV fails to teach or suggest each and every feature of amended claims 1, 12 and 16, Applicants respectfully submit that these claims are allowable over Lawler in view of ACTV.

At least because claims 2 and 4, amended claims 3, and 5-11 depend from amended independent claim 1, claims 2 and 4, amended claims 3, and 5-11 are also allowable for at least the same reasons discussed above with respect to amended claim 1 above including the additional recitations cited therein. Similarly, amended claims 13-15 depend from amended independent claim 12, and are thus allowable for at least the same reasons discussed above with respect to claim 12 including the additional recitations cited therein. Further, claims 17 and 19 and amended claim 20 depend from amended independent claim 16, and are thus allowable for at least the same reasons discussed above with respect to claim 16 including the additional recitations cited therein.

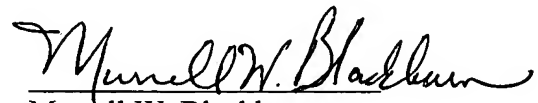
Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

The Applicants believe that no extension of time is required; however, this conditional petition is being made to provide for the possibility that the applicants have inadvertently

overlooked the need for a further additional extension of time. If any additional fees are required for the timely consideration of the application, please charge deposit account number 13-2725.

Respectfully submitted,



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